

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MELVIN LEROY TYLER,

Petitioner,

v.

STATE OF MISSOURI,

Respondent,

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No. 4:16-CV-1630 NAB

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's "Notice of Criminal Case Removal." Petitioner seeks to remove a closed case from the Missouri Court of Appeals, Eastern Division, to this Court. The Court lacks jurisdiction over the matter. *See* 28 U.S.C. § 1443; *Postma v. First Fed. Sav. & Loan*, 74 F.3d 160, 162 (8th Cir. 1996). Therefore, this action is dismissed. *See* Fed. R. Civ. P. 12(h)(3).

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

Dated this 25th day of October, 2016.



RODNEY W. SIPPEL

UNITED STATES DISTRICT JUDGE